

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE FIDEL MENDEZ,

Defendant.

CR-12-2091-WFN

Preliminary Order of Forfeiture

IT IS HEREBY ORDERED THAT:

As the result of the guilty plea to Count 1 of the Superseding Indictment for which the Government sought forfeiture pursuant to 18 U.S.C. § 924 and 28 U.S.C. § 2461(c), Defendant, JOSE FIDEL MENDEZ, shall forfeit to the United States any and all firearms involved in the commission of the offense, Felon in Possession of Firearms.

The Court has determined, based on the Defendant's plea agreement, that the following assets are subject to forfeiture pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), and that the government has established the requisite nexus between such assets described below, and such offenses:

FIREARMS

a) Mossburg, Model 835, 12 Gauge Shotgun, Serial Number UM169644;

b) Remington, Model 11-87, 12 Gauge Shotgun, Serial Number SM021416; and,

c) Remington, Model 1100, 12 Gauge Shotgun, Serial Number R227694V.

Upon the entry of this Order, the United States Attorney General (or a designee) is authorized to seize the above-listed assets subject to forfeiture,

1 whether held by the defendant or by a third party, and to conduct any discovery
2 proper in identifying, locating or disposing of the property subject to forfeiture, in
3 accordance with 21 U.S.C. § 853, as incorporated by 18 U.S.C. § 924(d) and 28
4 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2(b)(3).

5 Upon entry of this Order, the United States is authorized to commence any
6 applicable proceeding to comply with statutes governing third party rights,
7 including giving notice of this Order.

8 Pursuant to 21 U.S.C. § 853(n), as incorporated by 18 U.S.C. § 924(d) and
9 28 U.S.C. § 2461(c), the United States will post notice of this order on the official
10 government internet site (www.forfeiture.gov) for at least 30 consecutive days.

11 The United States may also, to the extent practicable, provide direct written notice
12 to any person known to have alleged an interest in the property that is the subject
13 of the Preliminary Order of Forfeiture, as a substitute for posted internet notice as
14 to those persons so notified.

15 Any person, other than the above-named Defendant, asserting a legal
16 interest in the above-listed property may, within thirty (30) days of the final
17 posting of notice, or receipt of notice, whichever is earlier, petition the court for a
18 hearing without a jury to adjudicate the validity of his alleged interest in the
19 above-listed property, and for an amendment of the order of forfeiture, pursuant to
20 Fed. R. Crim. P. 32.2(6) and 21 U.S.C. § 853(n), as incorporated by 18 U.S.C. §
21 924(d) and 28 U.S.C. § 2461(c).

22 Any petition filed by a third party asserting an interest in the above-listed
23 property shall be signed by the petitioner under penalty of perjury and shall set
24 forth the nature and extent of the petitioner's right, title, or interest in said
25 property, the time and circumstances of the petitioner's acquisition of the right,
26 title or interest in said property, and any additional facts supporting the petitioner's
27 claim and the relief sought.

1 After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c) and
2 before a hearing on the petition, discovery may be conducted in accordance with
3 the Federal Rules of Civil Procedure upon a showing that such discovery is
4 necessary or desirable to resolve factual issues.

5 The United States shall have clear title to the above-listed property
6 following the Court's disposition of all third-party interests, or, if none, following
7 the expiration of the period provided 21 U.S.C. § 853(n)(2), as incorporated by 18
8 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), for the filing of third party petitions.

9 Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B), this Preliminary Order
10 of Forfeiture is final as to the Defendant at the time of sentencing, and is made
11 part of the sentence and included in the judgment.

12 The Court shall retain jurisdiction to enforce this Order, and to amend it as
13 necessary, pursuant to Fed. R. Crim. P. 32.2(e).

14 The District Court Executive is directed to file this Order and provide
15 copies to counsel.

16 **DATED** this 3rd day of September, 2013.

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s/ Wm. Fremming Nielsen
WM. FREMMING NIELSEN
SENIOR U.S. DISTRICT JUDGE